



Practitioner's Docket No. 35015/002

PATENT

#4 0.4  
6/25/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schlosser et al.

Application No.: 09/994,257

Filed: 11/26/2001

Group No.: 2855

Examiner: Lilybett Martir

For: METHOD OF MANUFACTURING A FLOWMETER FOR THE PRECISION  
MEASUREMENT OF AN ULTRA-PURE MATERIAL FLOW

**Box NON-FEE AMENDMENT**  
**Assistant Commissioner for Patents**  
**Washington, D.C. 20231**

RECEIVED  
JUN 14 2002  
TECHNOLOGY CENTER 2800

REMARKS

Dear Sir:

- 5           This responds to the Office Action of 23 April 2002 which set forth a  
restriction requirement between:

Group I Claims 1-34 allegedly directed to a method of manufacturing a flow meter  
and

- 10          Group II Claims 35-49 allegedly directed to a Coriolis flow meter.

As directed by the Examiner, the applicant elects, with traverse, to prosecute  
the Group I claims including 1-34.

- 15          The applicant traverses with each assertion made by the Examiner in  
support of the restriction requirement.

The applicant asserts:

- 20           1)     the inventions are not distinct. The invention is a method and  
apparatus that involves measuring a process fluid of ultra-high purity  
without contaminating the fluid due to ion transfer.
- 2)     the MPEP citation 806.05(f) is irrelevant. The MPEP is not law and is  
merely U.S.P.T.O. advice to its employees.
- 25           3)     the Examiner presented no persuasive arguments showing that the  
group I and II claim have acquired a separate status. The asserted  
differences in classification are of no probative value. It is hornbook

5

law that the U.S.P.T.O. classification system exists only for the benefit of the U.S.P.T.O. to aid it in its mandated chores. Its classification scheme is of no interest to anyone beyond the U.S.P.T.O. Therefore, the "proof" of different classification (and an extended search) is dispositive of nothing.

It is submitted that the group I and II claims are directed to the same invention. It is requested that the restriction requirement be withdrawn as being without merit and that all claims 1-49 be examined.

Respectfully submitted,  
Faegre & Benson LLP

Date: 5/24/02



Curtis J. Ollila Reg. No. 47,833  
Telephone: (303) 546-1300  
Facsimile: (303) 449-5426

**Correspondence Address:**

Customer No: 32827

Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|                        |                         |
|------------------------|-------------------------|
| Application Number     | 09/994,257              |
| Filing Date            | 11/26/2001              |
| First Named Inventor   | Martin Andrew Schlosser |
| Group Art Unit         | 2855                    |
| Examiner Name          | Lilybett Martir         |
| Attorney Docket Number | 35015/002               |

Total Number of Pages in This Submission

3

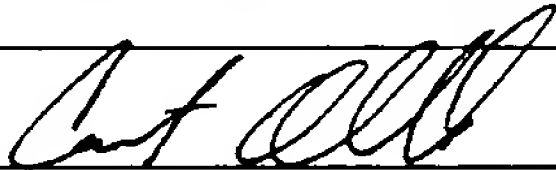
**ENCLOSURES (check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
|--|---|--|

Remarks

It is believed that no fees are due in this matter. However, if it is determined that fees are due, the Commissioner is authorized to debit Deposit Account No. 03-1725 for the required fees.

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                         |   |                 |
|-------------------------|---|-----------------|
| Firm or Individual name | Curtis J. Ollila  | Reg. No. 47,833 |
| Signature               |  |                 |
| Date                    | 5/24/02   |                 |

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 5/24/02

Typed or printed name Peggy L. Nieto

Signature



Date

5/24/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.